HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.26897 of 2006

Between

G.Uday Kumar ..Petitioner

AND

Municipal Corporation of Warangal and others ..Respondents

:: JUDGMENT ::

Counsel for the petitioner Sri T.Ramulu

Counsel for respondents Government Pleader for Home

27.12.2006

Per G.S.Singhvi, CJ.

In this petition, the petitioner has made the following substantive prayer:

> "In the circumstances stated above, I pray that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the order dated 04.10.2006 in file No. UC/WMC/CP/G1/745/2006 and basing upon the said order demolishing part of the building of the petitioner as illegal, arbitrary and without jurisdiction, contrary and violation of the order of this Hon'ble Court dated 27.09.2006 in W.P.No. 20116/94 and principles of natural justice, effecting right to life of the petitioner and consequently pass suitable orders by way of directions to the 1st respondent not to cause any harm or damage to the remaining 18 feet rear side portion of the petitioner's building bearing door No. 1/483 equivalent to new No. 1-6-96 (old) and now 1-6-247, situated at Station Road, Kazipet, by demolition or otherwise except following the order of this Hon'ble Court dated 27.09.2006 in W.P.No. 20116/94 and be pleased to pass suitable order or orders directing respondents 2 to 4 to protect the petitioner and his property bearing No. 1/483 equivalent to new No. 1-6-96 (old) and now 1-6-247, situated at Station Road, Kazipet, by giving police protection to the petitioner from the illegal action of the 1st respondent contrary to the order dated 27.09.2006 passed in W.P.No. 20116/94 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

After arguing the case for some time, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to avail remedy by filing civil suit.

The request of learned counsel for the petitioner is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the

prayer made.

As a sequel to dismissal of the writ petition, W.P.M.P.No.34562 of 2006 for interim relief is also disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

27-12-2006
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